

# **FISCAL MEMORANDUM**

## **SB 387 – HB 1414**

April 13, 2007

**SUMMARY OF AMENDMENT (004891):** Authorizes the Bradley County forensic laboratory to keep the fees for blood alcohol or drug concentration tests (BADT) conducted in such laboratory. Requires fee to be forwarded to the State Treasury for deposit in the Tennessee Bureau of Investigation (TBI) Toxicology Unit Intoxicant Testing Fund if TBI conducted a breath test.

### **FISCAL IMPACT OF ORIGINAL BILL:**

Increase Local Govt. Revenues - \$12,800  
Increase Local Govt. Expenditures - \$12,800\*

Decrease State Revenues - \$12,800  
Decrease State Expenditures - \$12,800

### **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase Local Govt. Revenues - \$9,000**  
**Increase Local Govt. Expenditures - \$9,000\***

**Decrease State Revenues - \$9,000**  
**Decrease State Expenditures - \$9,000**

Assumptions applied to amendment:

- Current law requires the assessment of additional fees (\$20.00) upon conviction for certain drug offenses in which drug tests are performed, and an additional \$100 fee upon conviction in drug and DUI cases in which blood alcohol and breath test are performed. The court clerk deducts five percent of these costs as compensation and identifies the remainder to the TBI which is remitted to the State Treasury. This bill would authorize the clerks to remit such fee revenues directly to the county trustee of Bradley County for offenses occurring in that county.
- In 2005, the TBI performed 255 blood and breath alcohol tests and 964 drug tests for Bradley County. Approximately 50 percent of these tests were blood tests and 50 percent were breath tests. The blood tests will now be performed at the Bradley County lab and the net fees that previously were remitted to the State will be retained by Bradley County.

The breath tests will be performed by TBI and the net breath test fees will be remitted to TBI.

- It is estimated that there will be a 60% conviction rate for persons charged with these offenses and that the county will be able to collect on 50% of those convictions. ( $255 \times \$100 \times .60 \times .50 = \$7,650$  for alcohol tests.) Of the alcohol tests, 50 percent will be breath tests and those funds will be remitted to TBI. The remainder will be remitted to Bradley County for blood tests ( $\$7,650 \times 0.50 = \$3,825$ ). All drug test fees will be remitted to Bradley County ( $964 \times \$20 \times .60 \times .50 = \$5,784$ ). After deducting the five percent clerk's fee, approximately \$9,000 in net fees will be retained by Bradley County for this function.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/LSC